

ORDINANCE NO. 5796B  
CITY OF Lanesboro, MINNESOTA

AN ORDINANCE REGULATING THE DESIGN, CONSTRUCTION, ALTERATION,  
REPAIR AND MAINTENANCE OF INDIVIDUAL SEWAGE TREATMENT SYSTEMS

The objectives of this ordinance are to provide adequate and safe methods of sewage treatment for individual on-site treatment systems and to prevent the contamination of any water supply by individual sewage treatment systems.

Be it ordained and enacted by the Council of the City of Lanesboro, Minnesota of follows:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the terms used in this article shall have the definitions hereby designated:

- Sec. 1. "Agency" - Minnesota Pollution Control Agency
- Sec. 2. "Abatement Notice" - An official document issued by the municipality to the owner of an individual on-site wastewater treatment system stating that the owner is in violation of the municipality's ordinance that adopts the requirements of 7080.
- Sec. 3. "Active Maintenance" - A maintenance program for individual sewage treatment systems whereby the property owner has complete responsibility for effecting operation, maintenance and replacement (OM&R) in a manner acceptable to the Sewer Authority.
- Sec. 4. "Certified Personnel" - Individual sewage treatment site evaluators, designers, and installers who have Agency approval under Minnesota Rules pt. 7077.0720.
- Sec. 5. "Designer" - A person who designs individual on-site systems.
- Sec. 6. "Failed System" - s wastewater treatment system that has been issued an abatement notice by the municipality's inspector.
- Sec. 7. "Individual Sewage Treatment System" - A wastewater treatment system or part of a system serving up to five dwellings or establishments that uses subsurface soil treatment and disposal.
- Sec. 8. "Inspector" - A person employed by or under contract to the municipality who inspects individual on-site wastewater treatment systems for conformance with this ordinance which adopts the requirements of 7080.
- Sec. 9. "Installer" - A person who constructs or repairs individual wastewater treatment systems.

- Sec. 10. "Municipality" - The county, city, town, or other governmental subdivision responsible for the prevention, control, and abatement of water pollution.
- Sec. 11. "Operation and Maintenance" - Activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment system. Operation and maintenance includes replacement.
- Sec. 12. "Replacement" - The purchase and installation of equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment system to maintain the capacity and performance for which the systems were designed and constructed.
- Sec. 13. "Site Evaluator" - A person who investigates the soils and site characteristics, does soil borings or percolation test for use in designing individual on-site systems.
- Sec. 14. "7080" - Minnesota Rules pt. 7080, Individual Sewage Treatment System Standards.
- Sec. 15. "Sewer Authority" - The governmental entity and/or department thereof which has monitoring, inspecting, permitting and enforcing authority over sanitary improvements including public drainfields and associated collection systems.
- Sec. 16. "Wastewater" - Liquid and water carried wastes from residential, non-residential and industrial users.

## ARTICLE II

### Adoption of 7080

Minn. Rules pt. 7080, Individual Sewage Treatment System Standards, is hereby adopted and incorporated by reference as part of this ordinance. All individual sewage treatment systems shall be regulated in accordance with the requirements of 7080.

## ARTICLE III

### Use of On-Site Wastewater Treatment Systems

- Sec. 1. The owner shall be responsible for the wise use of individual on-site systems.
- Sec. 2. No unpolluted water or stormwater shall be discharged to individual on-site systems.

Sec. 3. It shall be unlawful to discharge the following wastes to an individual on-site treatment system:

- (a) Liquids, solids, gases, or other substances which singly or by interaction with other wastes may cause fire or explosion or cause of injury to the treatment system.
- (b) Solid or viscous substances which may cause obstruction to the flow.
- (c) Wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive or caustic property capable of causing damage to the facility or a hazard to the community.
- (d) Wastewater containing toxic pollutants, as defined in section 307(a) of the Water Pollution Control Act and Minn. Stat. 115.01 subd. 14.

Sec. 4. Discharges of the following substances may cause harm to the individual on-site system, streams, soils, vegetation, and ground water.

- (a) Wastewater having a temperature greater than 150°F.
- (b) Wastewater containing fats, wax, grease.
- (c) Food wastes.
- (d) Tobacco products.
- (e) Wastewater containing inert suspended solids.

Sec. 5. Grease, oil and sand interceptors shall be provided at the owners expense when in the opinion of the Inspector they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, and/or other harmful ingredients. All interceptors shall be readily and easily accessible for cleaning and inspection. The owner shall be responsible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal.

#### ARTICLE IV

##### Administration and Inspection

Sec. 1. The municipality shall employ or contract with a fully certified inspector. The inspector shall be permitted to enter all properties for the purposes of inspection, observation, and testing to determine compliance with this ordinance and the requirements of 7080.

- Sec. 2. If the inspector determines that any part of an on-site system is not constructed in accordance with or has failed to meet the requirements of 7080 he/she shall give the permittee written notification describing the defects.
- Sec. 3. All failed systems will be served an abatement notice. If after five days the system does not conform to the requirements of this sewage treatment ordinance, a fine of \$500 will be assessed.

## ARTICLE V

### Licenses

- Sec. 1. No person shall install, design, alter, repair or pump an on-site system within the municipality unless he/she has applied for and received the appropriate license, and posted a bond with the municipality in the amount of \$5000. Application for license and license renewal shall be made annually on or before December 31.
- Sec. 2. Any installation, design, alteration, repair, or pumping of a sewage system by a licensee in violation of the provision of this Ordinance or refusal on the part of a licensee to correct such defective work performed by such licensee shall be cause for revocation or refusal to renew a license.
- Sec. 3. The Municipality may suspend or revoke any license issued under this article for any of the following:
- (a) Giving false information in connection with the application for a license.
  - (b) Violation of any provisions of this Article or any rule or regulation pertaining to the installation of on-site systems and sewer connections.
  - (c) Failure to adequately protect and indemnify the municipality and the on-site system owner.
- Sec. 4. Before any license may be revoked or renewal refused the licensee shall be given a hearing. Notice of the hearing shall be posted and delivered to the address contained on the application.

## ARTICLE VI

### Permits

- Sec. 1. Before construction of a private wastewater disposal system, the owner shall obtain a written permit signed by the inspector.

Sec. 2. Each application for permit will include the following:

- (a) Correct legal description of the property.
- (b) A plan showing the location of any proposed or existing buildings located on the property.
- (c) Complete plans of the proposed system including the location, size, and design of all parts of the system to be constructed, altered or repaired.
- (d) Location of the water supply facilities and piping.
- (e) The name of the certified installer that will be constructing the system.
- (f) Additional information as requested by the inspector.

Sec. 3. The inspector shall be allowed to inspect at any stage of construction. The permittee shall notify the inspector that the system is ready for final inspection, before any underground portions are covered. Upon satisfactory completion and final inspection of the system the inspector shall issue to the applicant a certificate of approval.

Sec. 4. The lot size shall be sufficient to permit installation of the individual sewage treatment system. Trucks or other heavy machinery shall not be driven over the land proposed for the treatment system.

#### ARTICLE VII

##### Design

The type, capacity, location, layout and installation of a private wastewater disposal system shall comply with all requirements of 7080, and applicable provisions of this ordinance.

#### ARTICLE VIII

##### Maintenance

Sec. 1. The owner of a privately owned individual treatment system shall be responsible for all operation, maintenance and replacement throughout the useful life of the system.

Sec. 2. The owner of an individual on-site treatment system shall measure sludge and scum depth in the system annually or more frequently if required. If the inspection of the system discloses that the accumulated sludge in the bottom of the tank has reached a point twelve (12) inches or less from the bottom of the outlet baffle

device, or that the bottom of the floating scum layer is less than three (3) inches above the bottom of the outlet baffle device, the owner shall have the tank promptly pumped to remove all accumulated septage. Whenever a septic tank is pumped, such action shall be reported to the municipality. The requirement for measurement shall be waived for on-site systems which are cleaned on an annual basis.

Pump stations, distribution devices, valve or drop boxes should be inspected on an annual basis; if the inspection indicates that there is an accumulation of solids, such devices shall be promptly cleaned.

Sec. 3. Pumping of sewage tanks and other components of on-site systems shall be performed only by persons licensed by the municipality to provide such services. Septage shall be disposed of only by approved means as follows:

- (a) Into a municipal sewage treatment system, capable of treating such wastes and as authorized by such municipal authority.
- (b) At a land disposal site approved by the county and other state/federal agencies.
- (c) In no case shall septage be discharged to any body of water or to the ground surface at locations which have not been approved for surface application.

Sec. 4. Fees for inspections, maintenance, or other services rendered under this Ordinance shall be as set by resolution.

Sec. 5. When it has been determined that maintenance and/or replacement is necessary for an individual sewage treatment system, such maintenance and/or replacement shall be accomplished in a manner acceptable to the Sewer Authority. Replacement parts, equipment, and appurtenances shall be of design and quality acceptable to the Sewer Authority and in conformance with requirements of 7080.

Sec. 6. The municipality will insure, through annual return mail reporting, routine periodic monitoring, complaint investigating, and/or other appropriate means, that corrective action is taken to protect the health, safety and welfare of the community.

## ARTICLE IX

### Penalties

Sec. 1. Any person violating any provision of this Ordinance shall receive a notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. Any person who shall continue the violation beyond the time limit shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not exceeding \$ 500 for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.

Sec. 2. Any person violating any provision of this Ordinance shall become liable to the Municipality for any expense, loss or damage occasioned by the Municipality by reason of such violation.

# ARTICLE X

## Validity

This Ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Passed by the City Council of Lanesboro,  
Minnesota on the 7 day of May, 19 96.

Vernon W. Groen

Vernon W. Groen  
Mayor

Attest:

Stet. J. San

Published in the \_\_\_\_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_, 19 \_\_\_\_.